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5                   UNITED STATES DISTRICT COURT  
6                   WESTERN DISTRICT OF WASHINGTON  
7                   AT TACOMA

8 ROLANDO REYES et al.,

9                   Plaintiffs,

10 v.

11 KELLY CUNNINGHAM et al.,

12                   Defendants.

Case No. C11-5237RJB

13                   ORDER ADOPTING A REPORT AND  
14                   RECOMMENDATION

15                   The Court, having reviewed the Report and Recommendation of Magistrate Judge J.  
16 Richard Creature (Dkt. 2), objections to the Report and Recommendation (Dkt. 3), and the  
remaining record, does hereby find and **ORDER**:

- 17                   1. Plaintiffs object to completing court forms regarding financial status, on  
18                   the basis that they are civil detainees, not prisoners. They also contend  
19                   that the claims are best brought in one complaint; and that the court should  
20                   afford latitude to plaintiffs because they are proceeding *pro se*. In order  
21                   for the court to determine whether each plaintiff is entitled to proceed *in  
forma pauperis*, each plaintiff must comply with the court's financial  
22                   disclosure requirements by providing the court with a copy of his SCC  
23                   trust account. Further, while there are some common themes to plaintiffs'  
24                   complaint, different facts, resulting in different claims, apply to each  
25                   plaintiff. The claims should best be brought in separate actions. Finally,  
26                   plaintiffs are not prejudiced by a dismissal of this action without prejudice.  
Because plaintiffs are not prisoners, they are not required to pay the full  
filing fee, over time, for this case, as is required of prisoners proceeding *in  
forma pauperis* under 28 U.S.C. § 1915. The court **ADOPTS** the Report  
and Recommendation (Dkt. 2).

ORDER - 1

- 1       2. Mr. Reyes' request for appointment of counsel is not properly before the
- 2       court because it was raised in the objections. Dkt. 33, at 6. Further, Mr.
- 3       Reyes has not shown exceptional circumstances warranting appointment
- 4       of counsel. *See Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983). Mr.
- 5       Reyes' request for appointment of counsel (Dkt. 33) is **DENIED**.
- 6       3. The motion to proceed *in forma pauperis* is **DENIED** without prejudice.
- 7       Plaintiffs may file separate actions under new cause numbers if they so
- 8       desire. This action is **DISMISSED WITHOUT PREJUDICE**.
- 9       4. The Clerk is directed to send a copies of this Order to plaintiffs,
- 10      and to the Hon. J. Richard Creatura.

11      DATED this 22nd day of April, 2011.

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13      ROBERT J. BRYAN  
14      United States District Judge